

## **REMARKS**

This paper responds to the non-final action dated October 2, 2009, in which (i) objections to the specification were made, (ii) claims 1-13 and 17-27 were rejected, and (iii) claims 14-16 were found allowable in substance.

The specification has been amended to attend to formalities. Reconsideration and withdrawal of the objections to the specification are accordingly requested.

### **I. Summary of Claim Amendments**

With the foregoing amendments, claims 23-26 have been cancelled, and claims 28-32 have been added, leaving claims 1-22 and 27-32 pending and at issue.

Each of the independent claims 1, 11, and 18 has been amended to specify a housing supported by and removable from a base, and a frame supported by a base. The independent claims also now specify that the housing covers a spring assembly of a measuring mechanism (claim 1), a resistance device (claim 11), or a piston and cylinder assembly (claim 18), and that the frame is configured to support such components such that the scale is operable with the housing removed from the base. No new matter has been added by the foregoing amendments, as support can be found, for example, in the original claims, paragraphs [0043] and [0044], and FIGS. 2, 8, and 17.

Dependent claims 2, 15, and 27 have been amended to attend to formalities arising from the foregoing amendments.

New dependent claims 28 and 29 specify that a portion of a measuring mechanism is formed of a dishwasher safe material, and that the resistance device includes a damper assembly. No new matter has been added by the foregoing amendments, as support can be found, for example, in the original claims and paragraphs [0041] and [0055].

New claims 30-32 restate the allowable subject matter of claims 14-16 in independent form to include the base claim and any intervening claims. The applicants accordingly submit that claims 30-32 are in condition for allowance.

### **II. Responses to Claim Rejections**

Claims 1-13 and 17-22 stand rejected under 35 U.S.C. §102(b) based on one or more of the following references:

Flückiger et al. U.S. Patent No. 6,566,614 (“Flückiger”);

Hayashi U.S. Patent No. 4,848,495 (“Hayashi”);

Van Berkel U.S. Patent No. 1,457,328 (“Van Berkel”);

Chatillon U.S. Patent No. 1,889,948 (“Chatillon”); and

Bengtsson U.S. Patent No. 2,610,845 (“Bengtsson”).

Claim 27 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi.

Reconsideration and withdrawal are respectfully requested, as the applicants respectfully submit that each of the independent claims 1, 11, and 18, as amended, specifies one or more limitations neither taught nor suggested by the cited art. The applicants accordingly traverse the §102(b) and §103(a) rejections on at least the following grounds.

The independent claims, as amended, require a frame configured to support a measuring mechanism (claim 1), a resistance device (claim 11), or a piston and cylinder assembly (claim 18), such that the scale is operable with a housing removed from a base.

The applicants respectfully submit that each of the cited references fails to disclose or suggest a scale operable with a housing removed from a base, much less one in which a frame is configured to support a measuring mechanism, a resistance device, or a piston and cylinder assembly, as claimed.

Flückiger instead describes a balance with a housing 1 that serves as a chassis base 1a for a weighing cell 16 (col. 3, lines 64-65). Removal of the housing 1 would thus render the weighing cell inoperable.

Hayashi describes a measuring device with a damper 20 but no housing. Even if a housing could be added as proposed in the action, a base frame 12 of the device would not support the housing or the damper. Furthermore, there is no disclosure or suggestion of a removable housing, much less as claimed.

Berkel describes a weighing apparatus with a dash pot but without a housing, a frame, or a base, let alone as claimed.

Chatillon describes a scale with a frame having bars 10-14 but without a housing or a base, let alone as claimed. Even if the frame bars are connected to a scale pan associated with a platform as cited in the action, the frame bars do not support the platform, the scale pan, or other components of the scale.

Bengtsson describes a weighing scale with a housing 4 and two frame plates 1 and 2 fastened to the inside of the housing (col. 1, lines 39-42). As shown in FIG. 2, however, removal of the housing would remove the support for the frame plates, thereby rendering the scale inoperable.

Based on the foregoing, it is respectfully submitted that the cited references fail to disclose or suggest a scale with a frame, a housing, and a base, as recited in the independent claims, as amended. It follows that claims 1-13, 17-22, and 27 are neither anticipated nor rendered obviousness by the cited references.

### **III. New Claims**

The applicants respectfully submit that new claims 28 and 29 recite patentable subject matter over the cited references for at least those reasons set forth above in connection with the independent claims from which they depend.

### **IV. Conclusion**

For the foregoing reasons, it is submitted that all pending claims are in condition for allowance, and an indication to that effect is solicited. Should the examiner wish to discuss the foregoing or any matter of form in an effort to advance this application toward allowance, the examiner is invited to telephone the undersigned at the number below.

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Respectfully submitted,

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